Appendix C:
Mitigation Monitoring Program

Mitigation Monitoring Program

This Mitigation Monitoring Program has been prepared for this EIR for the 2001 Regional Transportation Plan (RTP) in accordance with the State's mitigation monitoring statute, Public Resource Code Section 21081.6; sections 15091(d), 15097 of the California Environmental Quality Act. These provisions require public agencies to establish mitigation monitoring or reporting programs for projects where they have identified significant impacts and measures that would mitigate those impacts. The intent of these provisions is to ensure that mitigation measures are carried out. The public agency must adopt the monitoring and reporting program when approving a project.

MTC finds that the implementation of some mitigation measures listed in Appendix A of this document are not within its jurisdiction, and can and should be implemented and monitored by agencies responsible for implementing the individual projects contained in the RTP. These agencies include both project sponsors—local jurisdictions, transit agencies, county congestion management agencies, county transportation authorities, and Caltrans—as well as agencies responsible for the conservation of natural resources. These latter agencies include the Bay Area Air Quality Management District, the Bay Conservation and Development Commission, the Regional Water Quality Control Board, the Environmental Protection Agency, the Department of Fish and Game and the U.S. Army Corps of Engineers.

PROJECT-LEVEL REVIEW

Many of the projects proposed in the 2001 RTP have not yet completed CEQA review, because they have not yet been programmed or sufficiently defined to have a meaningful CEQA review.

MTC shall require project sponsors to comply with CEQA and NEPA, if applicable, prior to project approval by MTC as noted in mitigation measures listed in Appendix A. The project sponsors are thus responsible for conducting project-level environmental review for RTP projects that they are responsible for carrying out. Specifically, project sponsors are responsible for complying with the requirements of CEQA and NEPA, if applicable, which include the following:

- Conducting project-level CEQA (and NEPA if applicable) analysis where a transportation project would be likely to have a significant impact on the environment;

- Responding to written comments on impacts and mitigation measures from resource agencies and interested groups/individuals;

- Adopting a mitigation monitoring and reporting program for those transportation projects with significant impacts; and

- Forwarding to MTC the recommendations on the EIR or mitigated negative declaration and the mitigation monitoring and reporting program for those CEQA and NEPA documents.

AGENCY ROLES

MTC, project sponsors, and resource agencies have specific roles in implementing, monitoring and reporting on the mitigation measures identified in the EIR for the 2001 RTP.

MTC

As the lead agency responsible for the implementation of the 2001 RTP, MTC's role includes:

- Require sponsors of the transportation projects to comply with CEQA and NEPA, if applicable, prior to project approval by MTC.

- As part of comments on EIRs and other CEQA/NEPA documents, recommend as appropriate, that project sponsors and lead agencies incorporate mitigation measures identified in this EIR.

- Regularly review and update the RTP at least every three years and the Transportation Improvement Program (TIP) every two years. These updates require a transportation air quality conformity finding pursuant to the Federal Clean Air Act.

- Work with regional agencies and other bodies to implement other actions that would minimize the environmental impacts of the 2001 RTP.

PROJECT SPONSORS

The role of sponsors of the transportation projects is related to their compliance with CEQA and NEPA, if applicable, as discussed above.

RESOURCE AGENCIES

Agencies charged with the protection and conservation of natural resources would be involved through comments on project CEQA and NEPA compliance and permit issuance.